

109TH CONGRESS  
1ST SESSION

# H. R. 1584

To develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunamis and other natural hazards, to enhance homeland security, to support maritime operations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. WELDON of Pennsylvania (for himself, Mr. ALLEN, Mr. SAXTON, Mr. INSLEE, Mrs. DRAKE, Mr. FARR, Mr. FITZPATRICK of Pennsylvania, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. MENENDEZ, Mr. ROHRBACHER, Ms. ESHOO, Mr. HUNTER, Mr. CASE, Mr. MCINTYRE, Mr. McDERMOTT, Mr. FORTUÑO, Mr. BUTTERFIELD, Mr. KILDEE, and Ms. LEE) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunamis and other natural hazards, to enhance homeland security, to support maritime operations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Ocean and Coastal  
3 Observation System Act of 2005”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5       (a) FINDINGS.—Congress finds the following:

6           (1) Coastal and ocean observations provide vital  
7 information for protecting human lives and property  
8 from marine hazards, enhancing national and home-  
9 land security, predicting weather and global climate  
10 change, improving ocean health, and providing for  
11 the protection, sustainable use, and enjoyment of the  
12 resources of the Nation’s coasts, oceans, and Great  
13 Lakes.

14           (2) The continuing and potentially devastating  
15 threat posed by tsunamis, hurricanes, storm surges,  
16 and other marine hazards requires immediate imple-  
17 mentation of strengthened observation and commu-  
18 nications systems to provide timely detection, assess-  
19 ment, and warnings to the millions of people living  
20 in coastal regions of the United States and through-  
21 out the world.

22           (3) The 95,000-mile coastline of the United  
23 States, including the Great Lakes, is vital to the Na-  
24 tion’s prosperity, contributing over  
25 \$117,000,000,000 to the national economy in 2000,  
26 supporting jobs for more than 200,000,000 Ameri-

1       cans, handling \$700,000,000,000 in waterborne  
2       commerce, and supporting commercial and sport  
3       fisheries valued at more than \$50,000,000,000 an-  
4       nually.

5           (4) Safeguarding homeland security, conducting  
6       search and rescue operations, responding to natural  
7       and manmade coastal hazards (such as oil spills and  
8       harmful algal blooms), and managing fisheries and  
9       other coastal activities each require improved moni-  
10      toring of the Nation's waters and coastline, includ-  
11      ing the ability to track vessels and to provide rapid  
12      response teams with real-time environmental condi-  
13      tions necessary for their work.

14          (5) While knowledge of the coastal and ocean  
15      environment and processes is far from complete, ad-  
16      vances in sensing technologies and scientific under-  
17      standing have made possible long-term and contin-  
18      uous observation from shore, space, and in situ of  
19      coastal and ocean characteristics and conditions.

20          (6) Many elements of a coastal and ocean ob-  
21      serving system are in place, but require national in-  
22      vestment, consolidation, completion, and integration  
23      at Federal, regional, State, and local levels.

24          (7) The Commission on Ocean Policy rec-  
25      ommends a national commitment to a sustained and

1 integrated coastal and ocean observing system and  
2 to coordinated research programs in order to assist  
3 the Nation and the world in understanding the  
4 oceans and the global climate system, enhancing  
5 homeland security, improving weather and climate  
6 forecasts, strengthening management of coastal and  
7 ocean resources, improving the safety and efficiency  
8 of maritime operations, and mitigating marine haz-  
9 ards.

10 (8) In 2003, the United States led more than  
11 50 nations in affirming the vital importance of time-  
12 ly, quality, long-term global observations as a basis  
13 for sound decisionmaking, recognizing the contribu-  
14 tion of observation systems to meet national, re-  
15 gional, and global needs, and calling for strength-  
16 ened cooperation and coordination in establishing a  
17 Global Earth Observation System of Systems, of  
18 which an integrated coastal and ocean observing sys-  
19 tem is an essential part.

20 (b) PURPOSES.—The purposes of this Act are to pro-  
21 vide for—

22 (1) the development and maintenance of an in-  
23 tegrated coastal and ocean observing system that  
24 provides data and information to ensure national se-  
25 curity and public safety, support economic develop-

1       ment, sustain and restore healthy marine ecosystems  
2       and the resources they support, enable advances in  
3       scientific understanding of the oceans, and strength-  
4       en science education and communication;

5           (2) implementation of research and development  
6       and education programs to improve understanding  
7       of the oceans and Great Lakes and to achieve the  
8       full national benefits of an integrated coastal and  
9       ocean observing system;

10          (3) implementation of a data and information  
11       management system required by all components of  
12       an integrated coastal and ocean observing system  
13       and related research to develop early warning sys-  
14       tems; and

15          (4) establishment of a system of regional coast-  
16       al and ocean observing systems to address local  
17       needs for ocean information.

18 **SEC. 3. DEFINITIONS.**

19       In this Act, the following definitions apply:

20           (1) COMMITTEE.—The term “Committee”  
21       means the Committee on Ocean Policy established  
22       under Executive Order 13366 (69 Fed. Reg. 76591).

23           (2) COUNCIL.—The term “Council” means the  
24       National Ocean Research Leadership Council estab-

1 lished under section 7902(a) of title 10, United  
2 States Code.

3 (3) OBSERVING SYSTEM.—The term “observing  
4 system” means the integrated coastal, ocean, and  
5 Great Lakes observing system to be established by  
6 the Committee under section 4(a).

7 (4) NATIONAL OCEANOGRAPHIC PARTNERSHIP  
8 PROGRAM.—The term “National Oceanographic  
9 Partnership Program” means the program estab-  
10 lished under section 7901 of title 10, United States  
11 Code.

12 (5) INTERAGENCY PROGRAM OFFICE.—The  
13 term “interagency program office” means the office  
14 established under section 4(d).

15 **SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVING**  
16 **SYSTEM.**

17 (a) ESTABLISHMENT.—The Committee, acting  
18 through the Council, shall establish and maintain an inte-  
19 grated system of coastal and ocean observations, data  
20 communication and management, analysis, modeling, re-  
21 search, and education designed to provide data and infor-  
22 mation for the timely detection and prediction of changes  
23 occurring in the coastal and ocean environment that im-  
24 pact the Nation’s social, economic, and ecological systems.  
25 The observing system shall provide for long-term, contin-

uous, and quality-controlled observations of the Nation's  
coasts, oceans, and Great Lakes for the following pur-  
poses:

(1) Improving the health of the Nation's coasts,  
oceans, and Great Lakes.

(2) Protecting human lives and livelihoods from  
hazards such as tsunamis, hurricanes, coastal ero-  
sion, and fluctuating Great Lakes water levels.

(3) Supporting national defense and homeland  
security efforts.

(4) Understanding the effects of human activi-  
ties and natural variability on the state of the coasts  
and oceans and the Nation's socioeconomic well-  
being.

(5) Measuring, explaining, and predicting envi-  
ronmental changes.

(6) Providing for the sustainable use, protec-  
tion, and enjoyment of coastal and ocean resources.

(7) Providing a scientific basis for implementa-  
tion and refinement of ecosystem-based manage-  
ment.

(8) Educating the public about the role and im-  
portance of the oceans and Great Lakes in daily life.

(9) Tracking and understanding climate change  
and the ocean's and Great Lake's roles in it.

1           (10) Supplying critical information to marine-  
2           related businesses such as marine transportation,  
3           aquaculture, fisheries, and offshore energy produc-  
4           tion.

5           (11) Supporting research and development to  
6           ensure continuous improvement to coastal and ocean  
7           observation measurements and to enhance under-  
8           standing of the Nation's coastal and ocean re-  
9           sources.

10          (b) SYSTEM ELEMENTS.—In order to fulfill the pur-  
11         poses of this Act, the observing system shall consist of the  
12         following program elements:

13           (1) A national program to fulfill national obser-  
14           vation priorities, including the Nation's ocean con-  
15           tribution to the Global Earth Observation System of  
16           Systems and the Global Ocean Observing System.

17           (2) A network of regional associations to man-  
18           age the regional coastal and ocean observing and in-  
19           formation programs that collect, measure, and dis-  
20           seminate data and information products to meet re-  
21           gional needs.

22           (3) A data management and communication  
23           system for the timely integration and dissemination  
24           of data and information products from the national  
25           and regional systems.

1           (4) A research and development program con-  
2           ducted under the guidance of the Council.

3           (5) An outreach, education, and training pro-  
4           gram that augments existing programs (such as the  
5           National Sea Grant College Program and the Cen-  
6           ters for Ocean Sciences Education Excellence pro-  
7           gram) to ensure the use of data and information for  
8           improving public education and awareness of the  
9           Nation's oceans and building the technical expertise  
10          required to operate and improve the observing sys-  
11          tem.

12          (c) COUNCIL FUNCTIONS.—In carrying out respon-  
13          sibilities under this section, the Council shall—

14               (1) serve as the oversight body for the design  
15               and implementation of all aspects of the observing  
16               system;

17               (2) adopt plans, budgets, and standards that  
18               are developed and maintained by the interagency  
19               program office in consultation with the regional as-  
20               sociations;

21               (3) coordinate the observing system with other  
22               earth observing activities, including the Global  
23               Ocean Observing System and the Global Earth Ob-  
24               serving System of Systems;

1           (4) coordinate and administer programs of re-  
2       search and development and education to support  
3       improvements to and the operation of an integrated  
4       ocean and coastal observing system and to advance  
5       the understanding of the oceans;

6           (5) establish pilot projects to develop technology  
7       and methods for advancing the development of the  
8       observing system;

9           (6) support the development of institutional  
10      mechanisms to further the goals of the program and  
11      provide for the capitalization of the required infra-  
12      structure;

13          (7) provide, as appropriate, support for and  
14      representation on United States delegations to inter-  
15      national meetings on coastal and ocean observing  
16      programs, including those under the jurisdiction of  
17      the International Joint Commission involving Cana-  
18      dian waters; and

19          (8) in consultation with the Secretary of State,  
20      coordinate relevant Federal activities with those of  
21      other nations.

22      (d) INTERAGENCY PROGRAM OFFICE.—

23          (1) ESTABLISHMENT.—The Council shall estab-  
24      lish an interagency program office to be known as  
25      “Oceanus”.

1           (2) RESPONSIBILITIES.—The interagency pro-  
2       gram office shall be responsible for program plan-  
3       ning and coordination of the observing system.

4           (3) DUTIES.—The interagency program office  
5       shall—

6           (A) prepare annual and long-term plans  
7       for consideration by the Council for the design  
8       and implementation of the observing system  
9       that promote collaboration among Federal  
10      agencies and regional associations in developing  
11      global and national observing systems, including  
12      identification and refinement of a core set of  
13      variables to be measured by all systems;

14          (B) coordinate the development of agency  
15      priorities and budgets for implementation of the  
16      observing system, including budgets for the re-  
17      gional associations;

18          (C) establish and refine standards and pro-  
19      tocols for data management and communica-  
20      tions, including quality standards, in consulta-  
21      tion with participating Federal agencies and re-  
22      gional associations;

23          (D) develop a process for the certification  
24      of the regional associations and their periodic  
25      review and recertification; and

1 (E) establish an external technical com-  
2 mittee to provide biennial review of the observ-  
3 ing system.

4 (e) LEAD FEDERAL AGENCY.—The National Oceanic  
5 and Atmospheric Administration shall be the lead Federal  
6 agency for implementation and operation of the observing  
7 system. Based on the plans prepared by the interagency  
8 program office and adopted by the Council, the Adminis-  
9 trator of the National Oceanic and Atmospheric Adminis-  
10 tration shall—

11 (1) coordinate implementation, operation, and  
12 improvement of the observing system;

13 (2) establish efficient and effective administra-  
14 tive procedures for allocation of funds among Fed-  
15 eral agencies and regional associations in a timely  
16 manner and according to the budget adopted by the  
17 Council;

18 (3) implement and maintain appropriate ele-  
19 ments of the observing system;

20 (4) provide for the migration of scientific and  
21 technological advances from research and develop-  
22 ment to operational deployment;

23 (5) integrate and extend existing programs and  
24 pilot projects into the operational observation sys-  
25 tem; and

1           (6) certify regional associations that meet the  
2       requirements of subsection (f).

3       (f) REGIONAL ASSOCIATIONS OF COASTAL AND  
4 OCEAN OBSERVING SYSTEMS.—Regional associations  
5 shall be responsible for the development and operation of  
6 regional coastal and ocean observing systems to meet the  
7 information needs of user groups in the region while ad-  
8 hering to national standards. A regional association  
9 shall—

10           (1) demonstrate an organizational structure ca-  
11       pable of supporting and integrating all aspects of  
12       coastal and ocean observing and information pro-  
13       grams within a region;

14           (2) operate under a strategic operations and  
15       business plan that details the operation and support  
16       of regional coastal and ocean observing systems pur-  
17       suant to the standards established by the Council;

18           (3) provide information products for multiple  
19       users in the region;

20           (4) work with governmental entities and pro-  
21       grams at all levels within the region to provide time-  
22       ly warnings and outreach and education to protect  
23       the public; and

24           (5) be certified by the National Oceanic and At-  
25       mospheric Administration according to certification

1 standards developed by the interagency program of-  
2 fice in conjunction with the regional associations and  
3 approved by the Council.

4 (g) CIVIL LIABILITY.—For purposes of section  
5 1346(b)(1) and chapter 171 of title 28, United States  
6 Code, the Act of March 9, 1920 (46 U.S.C. App. 741 et  
7 seq., popularly known as the “Suits in Admiralty Act”),  
8 and the Act of March 3, 1925 (46 U.S.C. App. 781 et  
9 seq., popularly known as the “Public Vessels Act”), any  
10 regional coastal and ocean observing system that is a des-  
11 ignated part of a certified regional association under this  
12 section shall, in carrying out the purposes of this Act, be  
13 deemed to be part of the National Oceanic and Atmos-  
14 pheric Administration, and any employee of such system,  
15 while acting within the scope of his or her employment  
16 in carrying out such purposes, shall be deemed to be an  
17 employee of the Government.

18 **SEC. 5. RESEARCH AND DEVELOPMENT AND EDUCATION.**

19 The Council shall establish programs for research  
20 and development and education for the coastal and ocean  
21 observing system, including projects under the National  
22 Oceanographic Partnership Program, and consisting of  
23 the following:

24 (1) Basic research to advance knowledge of  
25 coastal and ocean systems and ensure continued im-

1       provement of operational products, including related  
2       infrastructure and observing technology.

3           (2) Focused research projects to improve under-  
4       standing of the relationship between the coasts and  
5       oceans and human activities.

6           (3) Large scale computing resources and re-  
7       search to advance modeling of ocean and coastal  
8       processes.

9           (4) A coordinated effort to build public edu-  
10      cation and awareness of the coastal and ocean envi-  
11      ronment and functions that integrates ongoing ac-  
12      tivities (such as the National Sea Grant College Pro-  
13      gram and the Centers for Ocean Sciences Education  
14      Excellence program).

15   **SEC. 6. INTERAGENCY FINANCING.**

16       The departments and agencies represented on the  
17   Council are authorized to participate in interagency fi-  
18   nancing and to share, transfer, receive, obligate, and ex-  
19   pend funds appropriated to any member of the Council  
20   for the purposes of carrying out any administrative or pro-  
21   grammatic project or activity under this Act or under the  
22   National Oceanographic Partnership Program, including  
23   support for the interagency program office, a common in-  
24   frastructure, and system integration for a coastal and  
25   ocean observing system. Funds may be transferred among

1 such departments and agencies through an appropriate in-  
2 strument that specifies the goods, services, or space being  
3 acquired from another Council member and the costs of  
4 the same.

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6       There are authorized to be appropriated to the Sec-  
7 retary of Commerce for the implementation of an inte-  
8 grated coastal and ocean observing system under section  
9 4, and the research and development program under sec-  
10 tion 5, including financial assistance to the interagency  
11 program office, the regional associations for the implemen-  
12 tation of regional coastal and ocean observing systems,  
13 and the departments and agencies represented on the  
14 Council, such sums as may be necessary for each of fiscal  
15 years 2006 through 2010. At least 50 percent of the sums  
16 appropriated for the implementation of the integrated  
17 coastal and ocean observing system under section 4 shall  
18 be allocated to the regional associations for the implemen-  
19 tation of the regional coastal and ocean observing systems.  
20 Sums appropriated pursuant to this section shall remain  
21 available until expended.

22 **SEC. 8. REPORTING REQUIREMENT.**

23       Not later than March 31, 2010, the President, acting  
24 through the Council, shall transmit to Congress a report  
25 on the programs established under sections 4 and 5. The

1 report shall include a description of activities carried out  
2 under the programs, an evaluation of the effectiveness of  
3 the programs, and recommendations concerning reauthor-  
4 ization of the programs and funding levels for the pro-  
5 grams in succeeding fiscal years.

